

STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - DISTRICT DIVISION - GOFFSTOWN

THE STATE OF NEW HAMPSHIRE,)	District Division Case Nos.
)	438-2004-CR-01513
Complainant,)	438-2004-CR-01627
)	
vs.)	Goffstown, New Hampshire
)	September 28, 2004
DOMINIC ALI,)	
)	
Defendant.)	
_____)	

HEARING

BEFORE THE HONORABLE PAUL H. LAWRENCE
JUDGE OF THE CIRCUIT COURT - DISTRICT DIVISION

APPEARANCES:

For the State: Timothy Lamy
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For the Defendant: Ryan Norwood, Esq.
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1 (Proceedings commence)

2 THE CLERK: Dominic Ali.

3 THE COURT: Mr. Ali, you have a -- I guess it's a
4 violating a protective order charge, a Class A misdemeanor. I
5 don't have the complaint in front of me, but. And looks like
6 you've been over your this knowledge and rights form with your
7 attorney and signed the back of it?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And it looks like you wish to enter a
10 nolo plea to the charge; is that correct?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And you understand that you enter a nolo
13 plea the State will make an offer of proof or, alternatively,
14 your attorney, on your behalf, will waive an offer of proof,
15 and with that waiver I would enter a finding of guilty? And,
16 in effect, you would have waived the different rights that are
17 set forth in this form; do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Any questions about that?

20 THE DEFENDANT: No.

21 THE COURT: Okay. Is this charge a Class A
22 misdemeanor? I gather it is.

23 MR. LAMY: A Class A.

24 THE COURT: Okay. So you understand one of the
25 rights you'd have is your counsel, if you didn't like the

1 outcome of things in this court after a trial could -- could
2 take the case to Superior Court, and the State would have the
3 burden to prove each element of this offense by proof beyond a
4 reasonable doubt before a jury of 12 people? Do you understand
5 that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. And every single juror would have
8 to agree the State had met its burden in order for you to be
9 found guilty; do you understand? And you're waiving that
10 right?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. Counsel, do you feel your client's
13 making knowing, intelligent and voluntary waiver in this
14 matter?

15 MR. NORWOOD: I believe that he is.

16 THE COURT: Okay. And this says sentenced to time
17 served?

18 MR. LAMY: Yes, Your Honor.

19 MR. NORWOOD: Yes, Your Honor.

20 THE COURT: Is there anything else pending against
21 this gentleman, or is this it?

22 MR. LAMY: Not in New Boston, Your Honor.

23 MR. NORWOOD: No, not in New Boston. There is a
24 pending charge in another court.

25 THE COURT: Okay. And what was his bail on this

1 charge in this court?

2 MR. NORWOOD: \$2,000 cash surety.

3 THE COURT: Okay. Was that holding him in jail, or
4 was there something else holding him in jail as well?

5 MR. NORWOOD: That was holding him in jail.

6 (Pause)

7 THE COURT: So he's going to go back and then be
8 released on some sort of bail? Is that --

9 MR. NORWOOD: That would be my understanding of what
10 should happen.

11 THE COURT: Can I see the rest of the file?

12 (Pause)

13 THE COURT: Okay. So it looks like at some point the
14 bail was 5,000 cash surety, reduced to 2,000 cash surety.

15 MR. LAMY: Reduced on September the 7th, Your Honor.

16 THE COURT: Okay. And was that anticipated that he
17 would make that?

18 MR. NORWOOD: Yes.

19 THE COURT: Okay. But either he wasn't able to make
20 it or he didn't make it?

21 MR. NORWOOD: No, he was not able to make the bail.
22 We thought -- we weren't certain that he could make it. We
23 thought he would have a good chance of making the bail, that he
24 was going to be able to make it.

25 THE COURT: Okay. Then, you're all set, sir. You're

1 sentenced to time served, with 29 days. And, therefore, this
2 case is terminated. And I guess you're released to the custody
3 of the sheriff in order to presumably be released should they
4 check out the other charge and there's nothing holding you.
5 Okay?

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: All right. Good luck.

8 MR. LAMY: Thank you, Your Honor.

9 MR. NORWOOD: Thank you, Your Honor.

10 (Proceedings concluded)

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CERTIFICATE

I, Tami S. Mayes, CET**D-547, a court approved transcriptionist/proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST: Tami S. Mayes, AAERT Cert. No. 547

Tami S. Mayes, CET**D-547
Proofreader

April 19, 2014